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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,803	04/06/2001	Efrain Torres	HILB / 720	6869
26875	7590	05/01/2006	EXAMINER	
WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202			NGUYEN, CUONG H	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 05/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/827,803	TORRES ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	CUONG H. NGUYEN	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,8-29,59-66 and 70-93 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,8-29,59-66 and 70-93 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Status of the Claims**

1. Claims 1-4, 8-29, 59-66, 70-93 are pending on 12/22/05; claims 70-93 are new.

### ***Response***

2. The examiner respectfully submits that what was amended in previous rejected claims are merely “intent of use” such as based on an extra budgetary information (e.g., product price ranges), and profile parameters (e.g., a geographical area of USA) – these are very familiar, and well-known input information with a business to help drawing many customers for knowing in advance how much they have to pay for that service/product before ordering; many businesses already use profile parameters for conducting transactions in order to help them knowing further what a customer need, where they come from, or knowing a customer background/habit to get some advantage of providing what fit to that customer (e.g., amazon.com, Inc. customer’s profile data. New claims contains similar limitations as old claims (because budgetary parameters are merely data that can not change the claimed step – they are “non-functional descriptive material”; therefore, similar rationales are also applied for those claimed steps. Because applicants amend claims, new ground of rejections based on obviousness are applied.

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**3. Claims 1-2, 4, 8-9, 11-16, 19-21, 26-28, 65-66, 70-74, 76-79, 82-83, 89-90 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Barrott et al. (US 2003/0212611 A1).**

A. As per claims 1, 70, and 65-66: Barrott et al. teach a computer-implemented method and a computer product for creating an online funeral plan, comprising:

- receiving user input from a user to obtain requested pricing information on a product or service offered by a selected funeral service provider among a plurality of funeral service providers (see Barrott et al., paragraphs [0004], [0010], [0043], [0047], and claim 6);

- retrieving the requested pricing information by accessing a database storing pricing information associated with a plurality of products and services offered by the plurality of funeral service providers, wherein each funeral service provider is associated with a distinct set of products and services from the plurality of products and services, and wherein the database maintains pricing information for the set of products and services associated with each funeral service provider (see Barrott et al., paragraphs [0002], [0010], and claim 27); and outputting the requested pricing information to the user (see Barrott et al., Figs. 7B, 9, and claim 12).

- Barrott et al. do not explicitly disclose that input information MUST BE a profile parameter, or a budgetary parameter.

- However, a profile/budgetary parameter can be an address that can be used to get a discount for another order (i.e., a loyalty customer); or for calculating shipping/handling fees; or for a product's price range (see Barrott et al., claim 1).

These are options/information that have been well known to businesses to provide

service/product to a customer with immediate input options such as how much a customer wants to pay.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to implement Barrott et al.'s funeral arrangements with extra input information (including profile parameters) from a customer, because these information accurately reflect status of a customer that make it easy to a provider when giving cost estimations.

B. As per claims 2, and 71: Barrott et al. also teach about selecting a funeral service provider from funeral service providers in response to user's input (see Barrott et al., paragraph 0004, and claim 31).

C. As per claim 4: Barrott et al. also teach about receiving user's input to select a collection of products and services to include in the funeral plan (see Barrott et al., Fig.4).

D. As per claim 65: Barrott et al. teach about receiving user input to select a collection of products and services to include in a funeral plan includes receiving user input associated with a budgetary parameter, and suggesting a cost-oriented funeral plan (see Barrott et al., Fig. 9, paragraphs [0042], [0059], and claim 6).

E. As per claim 7: Barrott et al. also teach about receiving user's input to select a products and services to include in a funeral plan includes receiving user input associated with a step-based parameter; Barrott et al. also teach about a edited/modifiable or tailored funeral plan among funeral plans, each step-based funeral plan associated with a collection of goods, services and educational data meeting a step-based criterion (see Barrott et al., paragraphs [0050], [0074], and claims 2, and 43).

F. As per claims 8, and 73: Barrott et al. also teach about processing funding of a funeral plan using a payment method from insurance (see Barrott et al., Fig. 14B “Insurance Company”).

G. As per claims 9, and 74: Barrott et al. further teach about a funeral plan to reflect a religious, or ethnic desire of a deceased according to user input (see Barrott et al., paragraphs [0071-0073], and [0041] for “funeral preference”).

H. As per claim 11: Barrott et al. further teach about storing a funeral plan in a database for later retrieval (see Barrott et al., Fig. 1).

I. As per claims 12, and 76: Barrott et al. further teach about initiating the display of the funeral plan on a web site (see Barrott et al., Figs. 1-2 “Family Advisor”).

J. As per claims 13, and 77: Barrott et al. further teach about modifying the funeral plan in response to user input (see Barrott et al., Fig. 4 i.e., modifying/changing a previous selection).

K. As per claim 14: Barrott et al. further teach about directing a user to a web site (“Funeral Advisor”), and communicating the pricing information for a product to the user via the web site, wherein the pricing information is retrieved from the database (see Barrott et al., Fig. 5C ref.78).

L. As per claims 15, and 78: Barrott et al. further teach about a product’s price is guaranteed, and display a representation of the guarantee (see Barrott et al., Fig. 5C ref.79, and Fig.6A “Limited Funeral Offering”).

M. As per claims 16, and 79: Barrott et al. further teach about initiating a display of an image representative of a product to a user (see Barrott et al., Figs. 5B-5C, ref.66).

N. As per claims 19, and 82: Barrott et al. further teach about retrieving an estimate cost from a database for a non-guaranteed item: i.e., flower (see Barrott et al., Fig. 6A, ref. 96).

O. As per claims 20, and 83: Barrott et al. further teach about a non-guaranteed item is selected from a floral arrangement (see Barrott et al., Fig. 6A, ref. 96).

P. As per claims 21, and 84: Barrott et al. inherently teach about storing a currency value indicative of client funds that are budgeted to pay for non-guaranteed items (see Barrott et al., Figs. 6A-6B, ref. 98 “Cash Advance Items” and “Amount”).

Q. Re. to claims 26, and 89: In Barrott et al. reference, a “Limited Funeral Offering” price is a complementary item to select a funeral service (see Barrott et al., Fig.6B).

R. As per claims 27, and 90: Barrott et al. teach about initiating different topics in a web site to display extra info, such as educational information, counseling/advising/suggesting and Internet links related to the product/service (see Barrott et al., Fig.2 with different selections for related information, and para.[0038]).

S. Re. to claims 28, and 91: Barrott et al. disclose about verifying the availability of the product/service from funeral service providers by updating inventories (see Barrott et al., para.[0045]).

### **Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

**(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.**

**4. Claims 3, 72, 24-25, 6, 10, 17-18, 80-91, 75, and 59-64, 93 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Barrott et al. (US 2003/0212611 A1).**

A. As to claims 3, and 72: Barrott et al. suggest about selecting the funeral service provider based on criteria of: location, services, products, and pricing information etc. (see Barrott et al., paragraph 0004, and claim 31).

Barrott et al. may not disclose about using reputation, or appearance of a provider as a criteria for selection.

However, the examiner respectfully submits that it is well-known to select those standardized characteristics while searching for a service because a searcher would prefer a good performance, and a neat environment in funeral services.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to implement Barrott et al.'s funeral arrangements with criteria for selection of funeral providers having a good reputation and a nice appearance, because a good preparation would show that a good care is taken, and because of this occasion only happens once in a life-time for the death.

B. As to claim 6: The rationales and reference for rejection of claim 4 are incorporated.

Barrott et al. do not disclose about receiving user input to select a collection of products and services to include in the funeral plan includes receiving user input associated with a profile parameter, further comprising suggesting a profile-based funeral plan from among a plurality of profile-based funeral plans based on the profile parameter, each profile-based funeral plan associated with a collection of goods and services meeting a profile criterion.



However, Barrott et al. disclose that a past client/a privilege user could quickly use his profile – old database - while registering (see Barrott et al., paragraph 0055), the claimed limitation is obvious with Barrott's step of using profile.

C. As to claims 10, and 75: Barrott et al. do not disclose about storing contact information of a family member, friend or associate of the user for notification of a decedent's death.

However, notifying a user's friend by a funeral provider, or by a user is obvious and well-known step for informing a death within Barrott et al.'s patent when a funeral provider/a user has address/phone number of those people (see Barrott et al., para. 0008).

D. As to claims 17, and 80: Barrott et al. further teach about receiving answers/responses to user input (see Barrott et al., para.0041 and claim 35).

Barrott et al. do not disclose about scheduling a meeting with a death care professional; however, any question from user input obviously get answers from a server/(a death care professional).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention that Barrott et al.'s idea would be implemented to suggest about scheduling a meeting (by phone/in-person) with a death care professional to receive answers instead of receiving answers from a server because there are flexible situations that need a flexible answer from a death care professional.

E. As to claims 18, and 81: Barrott et al. teach about initiating a display of contact information to a user enabling later communications (see Barrott et al., Fig. 3, ref. 46).

F. As to claims 59-64, and 93: It would have been obvious with one of skill in the art at the time this invention was made to use Barrott et al. ideas for a computer program

product or on a recordable medium because by coding steps and putting them in a computer product, a program that contains claimed method is conveniently portable, and can be used anywhere. Please note that a funeral planning ceremony is at least a decade old prior to Applicants' filing date of the present application, comprising the funeral home guiding the consumer with a plurality of choices, e.g., what type of casket to place the deceased in, and customized choices, e.g., the particular kind of flower arrangements to be placed in the viewing room, the items placed in the casket, when planning the funeral ceremony, how many people will attend, the names/addresses of those people... Applicants' claimed languages are in a way that read upon these, and similar, common knowledge practices that have been common knowledge within the funeral industry. It is the examiner position that when at least Barrott et al., would have provided a computerized funeral planning ceremony would have been an obvious procedure for one of ordinary skill in the art. The motivation for having a computer system incorporating well-known funeral arrangement ceremony procedure would have been to transfer a common knowledge medium to an electronic communication system available to another set of users. Computer systems have been designed for converting routine tasks previously done by hand/voice to an electronic format.

G. Re. to claims 24-25, and 87-88: The rationales and reference for rejection of claim 1 are incorporated.

Barrott et al. do not disclose about bidding among funeral service providers.

However, the examiner respectfully submits that bidding for business by lowering price or giving more services is obvious with Barrott et al. (see Fig.9 – by lowering Metal Casket Product to provide a better price to a customer).

It would have been also obvious within Barrott et al.'s suggestion that a best offer to provide a Metal Casket Product within a reasonable charge/amount is selected from the user, wherein the offer includes a price amount/range (see Barrott et al., Fig.9) – this motivation is to draw more customers with interesting prices.

**5. Claims 22-23, 85-86, and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Barrott et al. (US 2003/0212611 A1), in view of Ziarno (US Pat. 5,696,366).**

A. Re. to claims 22-23, and 85-86: The rationales and reference for rejection of claims 1 and 4 are incorporated.

Barrott et al. do not disclose about storing information about donations.

However, Ziarno discloses about storing information related to donations (see Ziarno, claim 3).

Barrott et al. do not disclose about displaying a payment status of the funeral plan to the user.

However, Ziarno discloses about presenting information related to account balance (e.g., payment status – see Ziarno, 52:50-61).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combining teachings in the disclosures of Barrott et al., and Ziarno to present a status of payment/balance, because this information would be used to calculate for receivable totals, outstanding balances, and sending “thank you” notes to attendants.

B. Re. to claims 29, and 92: The rationales and reference for rejection of claim 1 are incorporated.

Barrott et al. do not disclose about encrypting user data and funeral plan information.

However, Ziarno discloses about using encrypting for personal data/gift contributors (see Ziarno, 44:51-56).

It would have been obvious to one of ordinary skill in the art at the time of invention to implement teachings in the disclosure of Barrott et al., with Ziarno, because encrypting related information are good and safe for data transmission in the Internet, and there is no risk of loss of data during transmission.

### **Conclusion**

6. Pending claims are not patentable. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

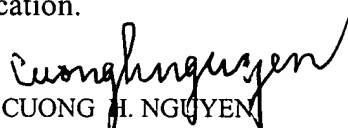
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 9:00 am - 5:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The fax phone number for the organization where this application is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.

  
CUONG H. NGUYEN  
Primary Examiner  
Art Unit 3661